

REMARKS

Claims 1 through 38 are pending; claims 15 and 29 are amended while claims 34 through 38 are newly presented.

Status of the pending claims

Claims 1 through 14, 23 and 24 have been allowed.

The Examiner indicated that claims 19, 20, 25 and 26 would be allowed if written in independent form.

The Examiner has made no rejection of previously presented claims 28 through 33, added in Applicant's timely filed response to the requirement for restriction on the 7th of January 2003. Accordingly, Applicant understands that claims 28 through 33 are in condition for allowance.

Claims 34 through 38 are newly presented in this response in order to assist the Examiner in completing the compacted prosecution, and thereby expediting the conclusion of the examination. Independent apparatus claim 34, together with independent apparatus claim 36 alternatively define Applicant's structure in terms of the allowed claims 1 and 3, to define Applicant's lock with a plurality of armatures, a feature found in none of the art of record. Accordingly, newly presented claims 34 through 38 are deemed to be in condition for allowance.

Rejection of claims 15, 18, 21 and 22 under 35 U.S.C. §103(a)

Independent claims 15, together with dependent claims 18, 21 and 22 were rejected under 35 U.S.C. §103(a) as rendered obvious over proposed combination of Donovan U.S. 4,288,944 modified according to Kerschenbaum et al. U.S. 4,800,714 and Lofstrand U.S. 4,503,411. Applicant

respectfully traverses this rejection for the following reasons.

First, the Examiner has impermissibly proposed a combination of the art that would improperly prevent the primary reference from being operated in its intended mode of operation. The Examiner admits that Donovan fails to disclose “the lock being operated magnetically and the members being plungers of the magnet, and asserts that Donovan ‘944 teaches movable members 56 controlled by operating mechanism 104 “to slidably position the members to maintain the locked state by engaging corresponding ones of the detents.” The Examiner has incorrectly read Donovan ‘944. A thorough and exhaustive reading of Donovan ‘944 discloses a single and solitary “detent 85.” The Examiner has proposed to modify Donovan ‘944 by incorporating the “lock assembly” shown by Figure 1 of Kerschenbaum ‘741 with a “plunger [a] controlled by solenoid [17]”, and Lofstrand ‘411 to incorporate “a solenoid [10] having a pair of plungers [42] disposed to move in opposing directions upon energization/deenergization of the solenoid.” The Examiner has failed to explain how detent 85 taught by the primary reference could be replaced with the complicated structures of Kerschenbaum ‘741 and Lofstrand ‘411. Moreover, the Examiner has ignored the fact that Donovan ‘944 already discloses a solenoid 142 and solenoid plunger 140. Substitution of the solenoid of Lofstrand ‘411 for solenoid 142 of the primary reference would impermissibly eliminate the single throw action required by the primary reference. Accordingly, in view of this impermissible modification of the primary reference, the rejection is improper and must be withdrawn.

Second, the Examiner’s proposed combination fails to make a *prima facie* showing of obviousness. The rejected claims define, *inter alia*, a structure with “a pair of armatures ... positioned within axially opposite ends of said coil between said detents.” The Examiner’s proposed

combination shows a detent 85 moved to a location that is wholly unreachable by solenoid plunger 140 that was unreachable by solenoid plunger 140. Substitution of solenoid 17 from Kerschenbaum et al. '741 ... The Examiner's proposed combination modifying the primary reference to incorporate solenoid 17 from Kerschenbaum '741 and plunger 16a, 16b from Lofstrand '411 in order "to operate the movable members of Donovan", as proposed by the Examiner, does not remedy the deficiencies in the primary reference of a complete absence of operational relation between solenoid plunger 140 and detent 85. Furthermore, if the primary reference is modified to substitute plungers 16a, 16b for solenoid plunger 140 of the primary reference, and plungers 16a, 16b are additionally relocated away from locking system 130 and repositioned, only one of plunger 16a, 16b could engage detent 85 of Donovan '944. Concomitantly, this modification of the primary reference would impermissibly prevent the primary reference from being used in its intended, disclosed mode of operation with solenoid 142 and plunger 140 disposed to engage one end 94 of one of the arms 92. Modification of the primary reference in a manner to destroy its intended mode of operation, is impermissible. Consequently, there is no basis for making the Examiner's proposed combination and this rejection must be withdrawn.

Third, the rejected claims define "a pair of spaced apart detents." The Examiner's proposed combination discloses but a single detent. Consequently, the Examiner's proposed combination fails to make a *prima facie* showing of obviousness.

Fourth, the Examiner's action is not complete. Collectively, the three references upon which the Examiner purportedly relies to make his proposed combination, collectively include in excess of approximately two hundred component parts. Despite this complexity, the Examiner has failed to explain how solenoid 17 of Kerschenbaum '174 and components such as plunger 16a, 16b might

conceivably be operably integrated into Donovan '944. In accordance with 37 CFR §1.104(a)-(c), the Examiner is respectfully requested to designate "the particular part[s] relied on" in each of the three references to make the combination proposed. Secondly, the Examiner is respectfully requested to state how the plunger 16a, 16b of Lofstrand '411 might conceivably be incorporated into solenoid 17 of Kerschenbaum '741, and what function plunger 16a, 16b would serve in lieu of plunger 11 of Kerschenbaum '741, and how the modified combination of Kerschenbaum '741 and Lofstrand '411 might be incorporated into Donovan '944.

Fifth, the Examiner is requested to explain which particular parts of Kerschenbaum '741 and Lofstrand '411 would interact with which component parts of Donovan '944. Simply, the Examiner is respectfully requested to explain how plunger 16a, 16b of the proposed combination might conceivably be arranged to engage detent 85 (see column 3, line 57) of the primary reference, and how the Examiner is able to read the singular "detent 85" as Applicant's " pair of spaced apart detents?" Applicant awaits the Examiner's clarification.

Sixth, independent claim 21 defines a lock with, *inter alia* "a first one of said plurality of armatures being aligned with a second one of said plurality of armatures to exhibit an increased outward force axially away from said coil when an inward force directed axially toward said coil is applied to a second one of said plurality of armatures during an absence of said conduction." The Examiner's proposed combination including Lofstrand '411 is singularly devoid of this aspect of Applicant's invention. Consequently, the Examiner's proposed combination fails to make a *prima facie* showing of obviousness of claim 21.

Seventh, the Examiner is respectfully requested to explain which component parts in each of the references used to form the proposed combination, the Examiner relies to teach Applicant's

exhibition of “an increased outward force axially away from said coil when ... during an absence of said conduction” as defined by independent claim 21. Applicant awaits the Examiner’s clarification.

Eighth, independent claim 22 defines, *inter alia*, a first one of said plurality of armatures being biased outwardly away from said coil when a force biasing a second one of said armatures inwardly towards said coil is applied to said second one of said armatures during an absence of said conduction.” The Examiner has failed to address this feature of Applicant’s claim. Moreover, no modification of Lofstrand ‘411, or the proposed combination including Lofstrand ‘411, meets the express teachings of Applicant’s claim 22. Consequently, the Examiner has failed to make a *prima facie* showing of obviousness. Withdrawal of this rejection is requested.

Ninth, the Examiner is respectfully requested pursuant to 37 CFR §1.104(a)-(c) to identify the particular parts relied upon in the proposed combination, to teach Applicant’s biasing outwardly a first one of a plurality of armatures “when a force biasing a second one of said armatures inwardly towards said coil is applied” Applicant awaits the Examiner’s clarification.

In view of these and other deficiencies, there is no basis for maintaining these rejections of the pending claims.

Rejection of claim 16, 17 and 27 under 35 U.S.C. §103(a)

Claims 16, 17 and 27 were rejected as rendered obvious over the Examiner’s proposed combination of an unexplained modification of Donovan ‘944, further modified according to Tabata U.S. 4,656,850. Applicant respectfully traverses this rejection for the following reasons.

First, incorporating Tabata into the Examiner’s earlier modification of Donovan ‘944 fails to overcome the deficiencies in that proposed combination.

Second, the rejection is incomplete because the Examiner has failed to explain where a vent might be incorporated into “locking system 130” of Donovan ‘944. In effect, Donovan ‘944, even as modified, relies upon the operation of a single “solenoid plunger 140”; modification of Donovan to incorporate axially opposite armatures achieves nothing. Consequently, there is no basis for the Examiner’s proposed combination except an impermissible hindsight reconstruction of the art based upon the blueprint provided by Applicant’s claims alone. Withdrawal of the rejection is mandatory.

CONCLUSION

A fee of \$475.00 is incurred by a Petition for a three month extension of time to and through the 16th of January 2004 and a fee of \$174 is incurred by the addition of 3 independent claims in excess of total 4 and 5 total claims in excess of total 33. Applicant’s check drawn to the order of the Commissioner in the amount of \$649.00 accompanies this Amendment. If this check should be lost or misplaced, the Commissioner is authorized to charge deposit account no. 02-4943 of Applicant’s undersigned attorney in this amount, and is requested to then notify Applicant’s undersigned attorney.

In view of the foregoing amendments and remarks, this application is deemed to be in condition for allowance. Should questions remain unresolved however, the Examiner is respectfully requested to telephone Applicant's undersigned attorney.

Respectfully submitted,



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